

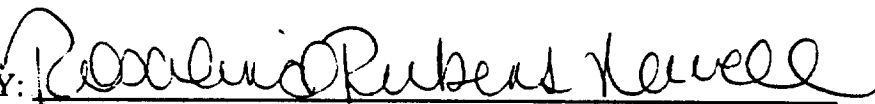
Entered - 11/14/00 - sb  
CL00L0696 - ALEXIS HOLMES

01-R-1855

CLAIM OF: MICHAEL MEANS,  
through his attorney,  
Phyllis A. Watkins  
3951 Snapfinger Parkway  
Suite 585  
Decatur, Georgia 30035

For damages alleged to have been sustained as a result of an arrest on  
May 12, 1999 at 3060 Peachtree Road.

THIS ADVERSED REPORT IS APPROVED

BY:   
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0696

Date: November 1, 2001

Claimant /Victim MICHAEL MEANS  
BY: (Atty) Phyllis A. Watkins  
Address: 3951 Snapfinger Parkway, Suite 585, Decatur, Georgia 30035  
Subrogation: Claim for Property damage \$ Bodily Injury \$ **\$800,000.00**  
Date of Notice: 11/09/00 Method: Written, proper X Improper         
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 05/28/00 Place: 3060 Peachtree Road  
Department Police Division:         
Employee involved        Disciplinary Action:       

NATURE OF CLAIM: The claimant alleges that he was wrongfully arrested. The claimant has filed a lawsuit in the State Court of Dekalb County to resolve the issues raised in his claim.

### INVESTIGATION:

Statements: City employee        Claimant        Others        Written        Oral         
Pictures        Diagrams        Reports: Police        Dept Report X Other         
Traffic citations issued: City Driver        Claimant Driver         
Citation disposition: City Driver        Claimant Driver       

### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial         
Improper Notice        More than Six Months        Other X Damages reasonable         
City not involved        Offer rejected        Compromise settlement         
Repair/replacement by Ins. Co.        Repair/replacement by City Forces         
Claimant Negligent        City Negligent        Joint        Claim Abandoned       

Respectfully submitted,

INVESTIGATOR - ALEXIS HOLMES

### RECOMMENDATION:

Pay \$        Adverse X Account charged: 1A01        2J01        2H01         
Claims Manager: *Phyllis A. Watkins* Concur/date 11-02-01  
Committee Action:        Council Action

# Phyllis A. Watkins

Attorney at Law  
3951 Snapfinger Parkway  
Suite 585  
Decatur, Georgia 30035

Office (404) 286-1355

Fax (404) 286-1401

*Holmes*  
*11/13/00*  
*Ph*

November 6, 2000

ENTERED - 11-14-00 - SB  
00L0696 - ALEXIS HOLMES

The Honorable Beverly Harvard  
Chief, City of Atlanta Police Department  
City Hall East  
675 Ponce De Leon Avenue, NE  
Atlanta, Georgia 30308  
VIA CERTIFIED MAIL NO. 7099 3400 0018 6150 2245

Mr. Robert Pitts, President  
Atlanta City Council  
215 Piedmont Ave.  
Suite C-5  
Atlanta, Georgia 30308  
VIA CERTIFIED MAIL NO. 7099 3400 0018 6150 2238

Mr. Doug Alexander  
Atlanta City Council  
P.O. Box 250591  
Atlanta, Georgia 30325  
VIA CERTIFIED MAIL NO. 7099 3400 0018 6150 2221

Mr. Derrick Boazman  
Atlanta City Council  
1854 Bond Dr., SW  
Atlanta, Georgia 30315  
VIA CERTIFIED MAIL NO. 7099 3400 0018 6150 2214

Mr. Michael Bond  
Atlanta City Council  
266 Sunset Ave.  
Atlanta, Georgia 30314  
VIA CERTIFIED MAIL NO. 7099 3400 0018 6150 2207

Ms. Sherry Dorsey  
Atlanta City Council  
1891 Montvailo Terrace, SE  
Atlanta, Georgia 30316  
VIA CERTIFIED MAIL NO. 7099 3400 0018 6150 2191



Ms. Julia Emmons  
Atlanta City Council  
701 Hillpine Drive, NE  
Atlanta, Georgia 30306  
VIA CERTIFIED MAIL NO. 7099 3400 0018 6150 2184

Mr. Jim Maddox  
Atlanta City Council  
55 Trinity Ave., SW  
Atlanta, Georgia 30335  
VIA CERTIFIED MAIL NO. 7099 3400 0018 6150 2177

Mr. Clarence T. Martin, Jr.  
Atlanta City Council  
561 Peyton Road, SW  
Atlanta, Georgia 30303  
VIA CERTIFIED MAIL NO. 7099 3400 0018 6150 2160

Mr. Vern McCarty  
Atlanta City Council  
762 Delmar Avenue, SE  
Atlanta, Georgia 30312  
VIA CERTIFIED MAIL NO. 7099 3400 0018 6150 2153

Ms. Felicia A. Moore  
Atlanta City Council  
55 Trinity Avenue, SW  
Atlanta, Georgia 30303  
VIA CERTIFIED MAIL NO. 7099 3400 0018 6150 2146

Mr. Lee Morris  
Atlanta City Council  
55 Trinity Avenue, SW  
Atlanta, Georgia 30303  
VIA CERTIFIED MAIL NO. 7099 3400 0018 6150 2139

Ms. Clair Muller  
Atlanta City Council  
55 Trinity Avenue, SW  
Atlanta, Georgia 30303  
VIA CERTIFIED MAIL NO. 7099 3400 0018 6150 2122

Ms. Debi Starnes  
Atlanta City Council  
804 Edgewood Avenue. NE  
Atlanta, Georgia 30307  
VIA CERTIFIED MAIL NO. 7099 3400 0018 6150 2115

Ms. Mable Thomas  
Atlanta City Council  
55 Trinity Avenue, SW  
Atlanta, Georgia 30303  
VIA CERTIFIED MAIL NO. 7099 3400 0018 6150 2108

VIA CERTIFIED MAIL NO. 7099 3400 0018 6150 2092

Ms. Cathy Woolard  
Atlanta City Council  
55 Trinity Avenue, SW  
Atlanta, Georgia 30303  
VIA CERTIFIED MAIL NO. 7099 3400 0018 6150 2085

**Re: Notice of Claim Pursuant To O.C.G.A. Section 50-21-26**  
**Governmental Entity: City Of Atlanta Police Department**  
**Claimant: Michael Means**  
**Officer: Detective S. A. Eppinger**

Dear Sirs and Madams:

We are submitting this letter in order to present facts and circumstances regarding an incident, which occurred concerning our client, Michael Means. We would hope that this claim could be resolved in an amicable fashion and without the necessity of litigation.

This letter is being submitted only for the purpose of settlement negotiations, and should not be misconstrued as an admission of guilt. Additionally, this letter's submission is conditional upon your returning the same to us, along with any copies made therefrom, in the event that a settlement without litigation is not achieved.

#### **PERSONAL AND FAMILY INFORMATION**

Michael Means is a thirty-three-year-old African American married father of one infant son. Mr. Means is a franchise owner of a Jani-King Commercial Cleaning Service.

#### **FACTS OF THE INCIDENT**

On or about May 12, 1999, Sandi Benton from Sydel, Inc., notified City of Atlanta Police Department that a theft of deposits had been stolen from the Spa Sydel in Buckhead over the previous weekend. Ms. Benton informed the in-take officer that, at least twelve (12) Sydel, Inc. employees possessed a key to the locked area where the deposits were kept. Subsequently, Sydel, Inc.'s security manager, Richard Blahnik, notified City of Atlanta Police Detective S. A. Eppinger that Mr. Blahnik had a "prime suspect" regarding the theft of the deposits. Mr. Blahnik submitted his written report

regarding Michael Means and excluded any substantial information regarding the other individuals who may have had access to the deposits. Detective Eppinger could have learned about the other individuals who had access to the deposits from the in-take officer's report.

Detective Eppinger never visited the location nor conducted any investigation on her own. Based solely upon Richard Blahnik's report, Detective Eppinger caused the arrest of Michael Means for theft by taking. All other individuals who possessed keys to the secured area are of European descent and were never even questioned.

This matter was bound over to Fulton County Superior Court for prosecution. After a thorough evaluation, the Fulton County District Attorney's Office concluded that there was insufficient evidence that probable cause existed for the arrest of Michael Means. Therefore, the District Attorney moved the Court to place the case on the dead docket.

As a result of his false arrest and imprisonment, Mr. Means suffered substantial embarrassment and humiliation. Also, Mr. Means lost the Sydell, Inc. account that was worth approximately \$10,000.00 per year.

### **EVALUATION**

Based upon our understanding and review of the facts, we feel that we can obtain a directed verdict in Mr. Means' favor and the jury would only have to decide damages. Therefore, based upon O.C.G.A. Section 51-1-1 et seq., we make demand on Mr. Mean's behalf in the amount of \$500,000.00. We feel that a probable jury verdict would result in an award in excess of \$800,000.00. However, for purposes of settlement, we reduced our demand, as indicated hereinabove.

This settlement is being submitted in good faith and we expect you to carefully examine the facts and circumstances earnestly. We reserve the right to withdraw this demand without further notice to you.

### **NOTICE PURSUANT TO O.C.G.A. SECTION 51-12-14**

Please be advised that this demand is presented pursuant to the provisions of O.C.G.A. Section 51-12-14 and if payment of the amounts demanded for Mr. Means are not made within thirty (30) days from the date of this letter, Mr. Means shall seek interest upon the amount should the jury award an amount not less than the amount demanded.

**This offer remains open until end of business on December 5, 2000.** If this offer is not accepted by that time, the offer will expire and will be automatically withdrawn. If you have any questions or would like to discuss this matter further, please

do not hesitate to call me at (404) 286-1355 or Co-Counsel Walter Fortson at (404) 289-7611.

Sincerely yours,

Phyllis A. Watkins

PAW: nbs

MEANS 100 LITEM.DOC